

114TH CONGRESS
1ST SESSION

H. R. 774

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Ms. BORDALLO (for herself, Mr. YOUNG of Alaska, Mr. WITTMAN, Mr. DEFazio, and Mr. GARAMENDI) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, to amend the Tuna Conventions Act of 1950 to implement the Antigua Convention, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal, Unreported,
5 and Unregulated Fishing Enforcement Act of 2015”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—STRENGTHENING FISHERIES ENFORCEMENT MECHANISMS

- Sec. 101. Amendments to the High Seas Driftnet Fishing Moratorium Protection Act.
- Sec. 102. Amendments to the High Seas Driftnet Fisheries Enforcement Act.
- Sec. 103. Amendments to North Pacific Anadromous Stocks Act of 1992.
- Sec. 104. Amendments to the Pacific Salmon Treaty Act of 1985.
- Sec. 105. Amendments to the Western and Central Pacific Fisheries Convention Implementation Act.
- Sec. 106. Amendments to the Antarctic Marine Living Resources Convention Act.
- Sec. 107. Amendments to the Atlantic Tunas Convention Act.
- Sec. 108. Amendments to the High Seas Fishing Compliance Act of 1965.
- Sec. 109. Amendments to the Dolphin Protection Consumer Information Act.
- Sec. 110. Amendments to the Northern Pacific Halibut Act of 1982.
- Sec. 111. Amendments to the Northwest Atlantic Fisheries Convention Act of 1995.
- Sec. 112. Amendment to the Magnuson-Stevens Fishery Conservation and Management Act.

TITLE II—IMPLEMENTATION OF THE ANTIGUA CONVENTION

- Sec. 201. Short title.
- Sec. 202. Amendment of the Tuna Conventions Act of 1950.
- Sec. 203. Definitions.
- Sec. 204. Commissioners; number, appointment, and qualifications.
- Sec. 205. General Advisory Committee and Scientific Advisory Subcommittee.
- Sec. 206. Rulemaking.
- Sec. 207. Prohibited acts.
- Sec. 208. Enforcement.
- Sec. 209. Reduction of bycatch.
- Sec. 210. Repeal of Eastern Pacific Tuna Licensing Act of 1984.

TITLE III—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Duties and authorities of the Secretary.
- Sec. 305. Authorization or denial of port entry.
- Sec. 306. Inspections.
- Sec. 307. Prohibited acts.
- Sec. 308. Enforcement.
- Sec. 309. International cooperation and assistance.
- Sec. 310. Relationship to other laws.

1 **TITLE I—STRENGTHENING FISH-**
2 **ERIES ENFORCEMENT MECH-**
3 **ANISMS**

4 **SEC. 101. AMENDMENTS TO THE HIGH SEAS DRIFTNET**
5 **FISHING MORATORIUM PROTECTION ACT.**

6 (a) ADMINISTRATION AND ENFORCEMENT.—

7 (1) IN GENERAL.—Section 606 of the High
8 Seas Driftnet Fishing Moratorium Protection Act
9 (16 U.S.C. 1826g) is amended by inserting before
10 the first sentence the following:

11 “(a) IN GENERAL.—The Secretary and the Secretary
12 of the department in which the Coast Guard is operating
13 shall enforce this Act, and the Acts to which this section
14 applies, in accordance with this section. Each such Sec-
15 retary may, by agreement, on a reimbursable basis or oth-
16 erwise, utilize the personnel services, equipment (including
17 aircraft and vessels), and facilities of any other Federal
18 agency, and of any State agency, in the performance of
19 such duties.

20 “(b) ACTS TO WHICH SECTION APPLIES.—This sec-
21 tion applies to—

22 “(1) the Pacific Salmon Treaty Act of 1985 (16
23 U.S.C. 3631 et seq.);

24 “(2) the Dolphin Protection Consumer Informa-
25 tion Act (16 U.S.C. 1385);

1 “(3) the Tuna Conventions Act of 1950 (16
2 U.S.C. 951 et seq.);

3 “(4) the North Pacific Anadromous Stocks Act
4 of 1992 (16 U.S.C. 5001 et seq.);

5 “(5) the Atlantic Tunas Convention Act of
6 1975 (16 U.S.C. 971 et seq.);

7 “(6) the Northwest Atlantic Fisheries Conven-
8 tion Act of 1995 (16 U.S.C. 5601 et seq.);

9 “(7) the Western and Central Pacific Fisheries
10 Convention Implementation Act (16 U.S.C. 6901 et
11 seq.); and

12 “(8) the Antigua Convention Implementing Act
13 of 2015.

14 “(c) ADMINISTRATION AND ENFORCEMENT.—

15 “(1) IN GENERAL.—The Secretary shall prevent
16 any person from violating this Act, or any Act to
17 which this section applies, in the same manner, by
18 the same means, and with the same jurisdiction,
19 powers, and duties as though sections 308 through
20 311 of the Magnuson-Stevens Fishery Conservation
21 and Management Act (16 U.S.C. 1858 through
22 1861) were incorporated into and made a part of
23 and applicable to this Act and each such Act.

24 “(2) INTERNATIONAL COOPERATION.—The Sec-
25 retary may, subject to appropriations and in the

1 course of carrying out the Secretary's responsibilities
2 under the Acts to which this section applies, engage
3 in international cooperation to help other nations
4 combat illegal, unreported, and unregulated fishing
5 and achieve sustainable fisheries.

6 “(d) SPECIAL RULES.—

7 “(1) ADDITIONAL ENFORCEMENT AUTHOR-
8 ITY.—In addition to the powers of officers author-
9 ized pursuant to subsection (c), any officer who is
10 authorized by the Secretary, or the head of any Fed-
11 eral or State agency that has entered into an agree-
12 ment with the Secretary under subsection (a), may
13 enforce the provisions of any Act to which this sec-
14 tion applies, with the same jurisdiction, powers, and
15 duties as though section 311 of the Magnuson-Ste-
16 vens Fishery Conservation and Management Act (16
17 U.S.C. 1861) were incorporated into and made a
18 part of each such Act.

19 “(2) DISCLOSURE OF ENFORCEMENT INFORMA-
20 TION.—

21 “(A) IN GENERAL.—The Secretary, subject
22 to the data confidentiality provisions in section
23 402 of the Magnuson-Stevens Fishery Con-
24 servation and Management Act (16 U.S.C.
25 1881a), may disclose, as necessary and appro-

1 priate, information, including information col-
2 lected under joint authority of the Magnuson-
3 Stevens Fishery Conservation and Management
4 Act (16 U.S.C. 1801 et seq.) and the Atlantic
5 Tunas Convention Act of 1975 (16 U.S.C. 71
6 et seq.) or the Western and Central Pacific
7 Fisheries Convention Implementation Act (16
8 U.S.C. 6901 et seq.) or other statutes imple-
9 menting international fishery agreements, to
10 any other Federal or State government agency,
11 the Food and Agriculture Organization of the
12 United Nations, the secretariat or equivalent of
13 an international fishery management organiza-
14 tion or arrangement made pursuant to an inter-
15 national fishery agreement, or a foreign govern-
16 ment, if—

17 “(i) such government, organization, or
18 arrangement has policies and procedures to
19 protect such information from unintended
20 or unauthorized disclosure; and

21 “(ii) such disclosure is necessary—

22 “(I) to ensure compliance with
23 any law or regulation enforced or ad-
24 ministered by the Secretary;

1 “(II) to administer or enforce
2 any international fishery agreement to
3 which the United States is a party;

4 “(III) to administer or enforce a
5 binding conservation measure adopted
6 by any international organization or
7 arrangement to which the United
8 States is a party;

9 “(IV) to assist in any investiga-
10 tive, judicial, or administrative en-
11 forcement proceeding in the United
12 States; or

13 “(V) to assist in any law enforce-
14 ment action undertaken by a law en-
15 forcement agency of a foreign govern-
16 ment, or in relation to a legal pro-
17 ceeding undertaken by a foreign gov-
18 ernment to the extent the enforcement
19 action is consistent with rules and
20 regulations of a regional fisheries
21 management organization (as that
22 term is defined by the United Na-
23 tion’s Food and Agriculture Organiza-
24 tion Agreement on Port State Meas-
25 ures to Prevent, Deter and Eliminate

1 Illegal, Unreported and Unregulated
2 Fishing) of which the United States is
3 a member, or the Secretary has deter-
4 mined that the enforcement action is
5 consistent with the requirements
6 under Federal law for enforcement ac-
7 tions with respect to illegal, unre-
8 ported, and unregulated fishing.

9 “(B) DATA CONFIDENTIALITY PROVISIONS
10 NOT APPLICABLE.—The data confidentiality
11 provisions of section 402 of the Magnuson-Ste-
12 vens Fishery Conservation and Management
13 Act (16 U.S.C. 1881a) shall not apply with re-
14 spect to this Act with respect to—

15 “(i) any obligation of the United
16 States to share information under a re-
17 gional fisheries management organization
18 (as that term is defined by the United Na-
19 tion’s Food and Agriculture Organization
20 Agreement on Port State Measures to Pre-
21 vent, Deter and Eliminate Illegal, Unre-
22 ported and Unregulated Fishing) of which
23 the United States is a member; or

24 “(ii) any information collected by the
25 Secretary regarding foreign vessels.

1 “(e) PROHIBITED ACTS.—It is unlawful for any per-
2 son—

3 “(1) to violate any provision of this Act or any
4 regulation or permit issued pursuant to this Act;

5 “(2) to refuse to permit any officer authorized
6 to enforce the provisions of this Act to board,
7 search, or inspect a vessel, subject to such person’s
8 control for the purposes of conducting any search,
9 investigation, or inspection in connection with the
10 enforcement of this Act, any regulation promulgated
11 under this Act, or any Act to which this section ap-
12 plies;

13 “(3) to forcibly assault, resist, oppose, impede,
14 intimidate, or interfere with any such authorized of-
15 ficer in the conduct of any search, investigation, or
16 inspection described in paragraph (2);

17 “(4) to resist a lawful arrest for any act prohib-
18 ited by this section or any Act to which this section
19 applies;

20 “(5) to interfere with, delay, or prevent, by any
21 means, the apprehension, arrest, or detection of an
22 other person, knowing that such person has com-
23 mitted any act prohibited by this section or any Act
24 to which this section applies; or

1 “(6) to forcibly assault, resist, oppose, impede,
2 intimidate, sexually harass, bribe, or interfere with—

3 “(A) any observer on a vessel under this
4 Act or any Act to which this section applies; or

5 “(B) any data collector employed by the
6 National Marine Fisheries Service or under
7 contract to any person to carry out responsibil-
8 ities under this Act or any Act to which this
9 section applies.

10 “(f) CIVIL PENALTY.—Any person who commits any
11 act that is unlawful under subsection (e) shall be liable
12 to the United States for a civil penalty, and may be subject
13 to a permit sanction, under section 308 of the Magnuson-
14 Stevens Fishery Conservation and Management Act (16
15 U.S.C. 1858).

16 “(g) CRIMINAL PENALTY.—Any person who commits
17 an act that is unlawful under subsection (e)(2), (e)(3),
18 (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense
19 punishable under section 309(b) of the Magnuson-Stevens
20 Fishery Conservation and Management Act (16 U.S.C.
21 1859(b)).

22 “(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—
23 ”.

24 (2) CONFORMING AMENDMENT.—Section
25 308(a) of the Antarctic Marine Living Resources

1 Convention Act of 1984 (16 U.S.C. 2437(a)) is
2 amended to read as follows:

3 “(a) IN GENERAL.—Any person who commits an act
4 that is unlawful under section 306 shall be liable to the
5 United States for a civil penalty, and may be subject to
6 a permit sanction, under section 308 of the Magnuson-
7 Stevens Fishery Conservation and Management Act (16
8 U.S.C. 1858).”.

9 (b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF
10 INTERNATIONAL FISHERY MANAGEMENT ORGANIZA-
11 TIONS.—Section 608 of such Act (16 U.S.C. 1826i) is
12 amended by—

13 (1) inserting before the first sentence the fol-
14 lowing: “(a) IN GENERAL.—”;

15 (2) in subsection (a) (as designated by para-
16 graph (1) of this subsection) in the first sentence,
17 inserting “, or arrangements made pursuant to an
18 international fishery agreement,” after “organiza-
19 tions”; and

20 (3) adding at the end the following new sub-
21 sections:

22 “(b) DISCLOSURE OF INFORMATION.—

23 “(1) IN GENERAL.—The Secretary, subject to
24 the data confidentiality provisions in section 402 of
25 the Magnuson-Stevens Fishery Conservation and

1 Management Act (16 U.S.C. 1881a) except as pro-
2 vided in paragraph (2), may disclose, as necessary
3 and appropriate, information, including information
4 collected under joint authority of the Magnuson-Stevens
5 Fishery Conservation and Management Act (16
6 U.S.C. 1801 et seq.) and the Atlantic Tunas Con-
7 vention Act of 1975 (16 U.S.C. 71 et seq.), the
8 Western and Central Pacific Fisheries Convention
9 Implementation Act (16 U.S.C. 6901 et seq.), any
10 other statute implementing an international fishery
11 agreement, to any other Federal or State govern-
12 ment agency, the Food and Agriculture Organization
13 of the United Nations, or the secretariat or equiva-
14 lent of an international fishery management organi-
15 zation or arrangement made pursuant to an inter-
16 national fishery agreement, if such government, or-
17 ganization, or arrangement, respectively, has policies
18 and procedures to protect such information from un-
19 intended or unauthorized disclosure.

20 “(2) EXCEPTIONS.—The data confidentiality
21 provisions in section 402 of the Magnuson-Stevens
22 Fishery Conservation and Management Act (16
23 U.S.C. 1881a) shall not apply with respect to this
24 Act—

1 “(A) for obligations of the United States
2 to share information under a regional fisheries
3 management organization (as that term is de-
4 fined by the United Nation’s Food and Agri-
5 culture Organization Agreement on Port State
6 Measures to Prevent, Deter and Eliminate Ille-
7 gal, Unreported and Unregulated Fishing) of
8 which the United States is a member; or

9 “(B) to any information collected by the
10 Secretary regarding foreign vessels.

11 “(c) IUU VESSEL LISTS.—The Secretary may—

12 “(1) develop, maintain, and make public a list
13 of vessels and vessel owners engaged in illegal, unre-
14 ported, or unregulated fishing or fishing-related ac-
15 tivities in support of illegal, unreported, or unregu-
16 lated fishing, including vessels or vessel owners iden-
17 tified by an international fishery management orga-
18 nization or arrangement made pursuant to an inter-
19 national fishery agreement, that—

20 “(A) the United States is party to; or

21 “(B) the United States is not party to, but
22 whose procedures and criteria in developing and
23 maintaining a list of such vessels and vessel
24 owners are substantially similar to such proce-
25 dures and criteria adopted pursuant to an inter-

1 national fishery agreement to which the United
2 States is a party; and

3 “(2) take appropriate action against listed ves-
4 sels and vessel owners, including action against fish,
5 fish parts, or fish products from such vessels, in ac-
6 cordance with applicable United States law and con-
7 sistent with applicable international law, including
8 principles, rights, and obligations established in ap-
9 plicable international fishery management agree-
10 ments and trade agreements.

11 “(d) REGULATIONS.—The Secretary may promulgate
12 regulations to implement this section.”.

13 (c) NOTIFICATION REGARDING IDENTIFICATION OF
14 NATIONS.—Section 609(b) of such Act (166 U.S.C.
15 1826j(b)) is amended to read as follows:

16 “(b) NOTIFICATION.—The Secretary shall notify the
17 President and that nation of such an identification.”.

18 (d) NATIONS IDENTIFIED UNDER SECTION 610.—
19 Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1))
20 is amended to read as follows:

21 “(1) notify, as soon as possible, the President
22 and nations that have been identified under sub-
23 section (a), and also notify other nations whose ves-
24 sels engage in fishing activities or practices de-

1 scribed in subsection (a), about the provisions of this
2 section and this Act;”.

3 (e) EFFECT OF CERTIFICATION UNDER SECTION
4 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C.
5 1826j(d)(3)(A)(i)) is amended by striking “that has not
6 been certified by the Secretary under this subsection, or”.

7 (f) EFFECT OF CERTIFICATION UNDER SECTION
8 610.—Section 610(c)(5) of such Act (16 U.S.C.
9 1826k(c)(5)) is amended by striking “that has not been
10 certified by the Secretary under this subsection, or”.

11 (g) IDENTIFICATION OF NATIONS.—

12 (1) SCOPE OF IDENTIFICATION FOR ACTIONS
13 OF FISHING VESSELS.—Section 609(a) of such Act
14 (16 U.S.C. 1826j(a)) is amended—

15 (A) in the matter preceding paragraph

16 (1)—

17 (i) by inserting “, based on a cumu-
18 lative compilation and analysis of data col-
19 lected and provided by international fishery
20 management organizations and other na-
21 tions and organizations,” after “shall”;
22 and

23 (ii) by striking “2 years” and insert-
24 ing “3 years”;

1 (B) in paragraph (1), by inserting “that
 2 undermines the effectiveness of measures re-
 3 quired by an international fishery management
 4 organization, taking into account whether”
 5 after “(1)”; and

6 (C) in paragraph (1), by striking “vessels
 7 of”.

8 (2) ADDITIONAL GROUNDS FOR IDENTIFICA-
 9 TION.—Section 609(a) of such Act (16 U.S.C.
 10 1826j(a)) is further amended—

11 (A) by redesignating paragraphs (1) and
 12 (2) in order as subparagraphs (A) and (B) (and
 13 by moving the margins of such subparagraphs
 14 2 ems to the right);

15 (B) by inserting before the first sentence
 16 the following:

17 “(1) IDENTIFICATION FOR ACTIONS OF FISHING
 18 VESSELS.—”; and

19 (C) by adding at the end the following:

20 “(2) IDENTIFICATION FOR ACTIONS OF NA-
 21 TION.—Taking into account the factors described
 22 under section 609(a)(1), the Secretary shall also
 23 identify, and list in such report, a nation—

24 “(A) if it is violating, or has violated at
 25 any point during the preceding three years, con-

1 servation and management measures required
2 under an international fishery management
3 agreement to which the United States is a
4 party and the violations undermine the effec-
5 tiveness of such measures; or

6 “(B) if it is failing, or has failed in the
7 preceding 3-year period, to effectively address
8 or regulate illegal, unreported, or unregulated
9 fishing in areas described under paragraph
10 (1)(B).

11 “(3) APPLICATION TO OTHER ENTITIES.—
12 Where the provisions of this Act are applicable to
13 nations, they shall also be applicable, as appropriate,
14 to other entities that have competency to enter into
15 international fishery management agreements.”.

16 (3) PERIOD OF FISHING PRACTICES SUP-
17 PORTING IDENTIFICATION.—Section 610(a)(1) of
18 such Act (16 U.S.C. 1826k(a)(1)) is amended by
19 striking “calendar year” and inserting “3 years”.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary of Com-
22 merce \$450,000 for each of fiscal years 2016 through
23 2020 to implement the amendments made by subsections
24 (b) and (g).

25 (i) TECHNICAL CORRECTIONS.—

1 (1) Section 607(2) of such Act (16 U.S.C.
2 1826h(2)) is amended by striking “whose vessels”
3 and inserting “that”.

4 (2) Section 609(d)(1) of such Act (16 U.S.C.
5 1826j(d)(1)) is amended by striking “of its fishing
6 vessels”.

7 (3) Section 609(d)(1)(A) of such Act (16
8 U.S.C. 1826j(d)(1)(A)) is amended by striking “of
9 its fishing vessels”.

10 (4) Section 609(d)(2) of such Act (16 U.S.C.
11 1826j(d)(2)) is amended—

12 (A) by striking “for certification” and in-
13 serting “to authorize”;

14 (B) by inserting “the importation” after
15 “or other basis”;

16 (C) by striking “harvesting”; and

17 (D) by striking “not certified under para-
18 graph (1)” and inserting “issued a negative cer-
19 tification under paragraph (1)”.

20 (5) Section 610 of such Act (16 U.S.C. 1826k)
21 is amended as follows:

22 (A) In subsection (a)(1), by striking “prac-
23 tices;” and inserting “practices—”.

1 (B) In subsection (c)(4), by striking all
 2 preceding subparagraph (B) and inserting the
 3 following:

4 “(4) ALTERNATIVE PROCEDURE.—The Sec-
 5 retary may establish a procedure to authorize, on a
 6 shipment-by-shipment, shipper-by-shipper, or other
 7 basis the importation of fish or fish products from
 8 a vessel of a nation issued a negative certification
 9 under paragraph (1) if the Secretary determines
 10 that such imports were harvested by practices that
 11 do not result in bycatch of a protected marine spe-
 12 cies, or were harvested by practices that—

13 “(A) are comparable to those of the United
 14 States, taking into account different conditions;
 15 and”.

16 **SEC. 102. AMENDMENTS TO THE HIGH SEAS DRIFTNET**
 17 **FISHERIES ENFORCEMENT ACT.**

18 (a) NEGATIVE CERTIFICATION EFFECTS.—Section
 19 101 of the High Seas Driftnet Fisheries Enforcement Act
 20 (16 U.S.C. 1826a) is amended—

21 (1) in subsection (a)(2), by striking “recognized
 22 principles of” after “in accordance with”;

23 (2) in subsection (a)(2)(A), by inserting “or, as
 24 appropriate, for fishing vessels of a nation that re-
 25 ceives a negative certification under section 609(d)

1 or section 610(c) of the High Seas Driftnet Fishing
2 Moratorium Protection Act (16 U.S.C. 1826)” after
3 “(1)”;

4 (3) in subsection (a)(2)(B), by inserting before
5 the period the following: “, except for the purposes
6 of inspecting such vessel, conducting an investiga-
7 tion, or taking other appropriate enforcement ac-
8 tion”;

9 (4) in subsection (b)(1)(A)(i), by striking “or il-
10 legal, unreported, or unregulated fishing” after
11 “driftnet fishing”;

12 (5) in subsection (b)(1)(B) and subsection
13 (b)(2), by striking “or illegal, unreported, or unregu-
14 lated fishing” after “driftnet fishing” each place it
15 appears;

16 (6) in subsection (b)(3)(A)(i), by inserting “or
17 a negative certification under section 609(d) or sec-
18 tion 610(c) of the High Seas Driftnet Fishing Mora-
19 torium Protection Act (16 U.S.C. 1826j(d),
20 1826k(c))” after “(1)(A)”;

21 (7) in subsection (b)(4)(A), by inserting “or
22 issues a negative certification under section 609(d)
23 or section 610(c) of the High Seas Driftnet Fishing
24 Moratorium Protection Act (16 U.S.C. 1826j(d),
25 1826k(c))” after “paragraph (1)”;

1 (8) in subsection (b)(4)(A)(i), by striking “or il-
2 legal, unreported, or unregulated fishing” after
3 “driftnet fishing”; and

4 (9) in subsection (b)(4)(A)(i), by inserting “, or
5 to address the offending activities for which a nation
6 received a negative certification under section 609(d)
7 or 610(c) of the High Seas Driftnet Fishing Morato-
8 rium Protection Act (16 U.S.C. 1826j(d),
9 1826k(c))” after “beyond the exclusive economic
10 zone of any nation”.

11 (b) DURATION OF NEGATIVE CERTIFICATION EF-
12 FECTS.—Section 102 of such Act (16 U.S.C. 1826b) is
13 amended by—

14 (1) striking “or illegal, unreported, or unregu-
15 lated fishing”; and

16 (2) inserting “or effectively addressed the of-
17 fending activities for which the nation received a
18 negative certification under 609(d) or 610(c) of the
19 High Seas Driftnet Fishing Moratorium Protection
20 Act (16 U.S.C. 1826j(d), 1826k(c))” before the pe-
21 riod at the end.

1 **SEC. 103. AMENDMENTS TO NORTH PACIFIC ANADROMOUS**
2 **STOCKS ACT OF 1992.**

3 (a) UNLAWFUL ACTIVITIES.—Section 810 of the
4 North Pacific Anadromous Stocks Act of 1992 (16 U.S.C.
5 5009) is amended—

6 (1) in paragraph (5), by inserting “, investiga-
7 tion,” after “search”; and

8 (2) in paragraph (6), by inserting “, investiga-
9 tion,” after “search”.

10 (b) ADDITIONAL PROHIBITIONS AND ENFORCE-
11 MENT.—Section 811 of the Northern Pacific Anadromous
12 Stocks Act of 1992 (16 U.S.C. 5010) is amended to read
13 as follows:

14 **“SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCE-**
15 **MENT.**

16 “For additional prohibitions relating to this Act and
17 enforcement of this Act, see section 606 of the High Seas
18 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
19 1826g).”.

20 **SEC. 104. AMENDMENTS TO THE PACIFIC SALMON TREATY**
21 **ACT OF 1985.**

22 Section 8 of the Pacific Salmon Treaty Act of 1985
23 (16 U.S.C. 3637) is amended—

24 (1) in subsection (a)(2)—

25 (A) by inserting “, investigation,” after
26 “search”; and

1 (B) by striking “this title;” and inserting
 2 “this Act;”;

3 (2) in subsection (a)(3)—

4 (A) by inserting “, investigation,” after
 5 “search”; and

6 (B) by striking “subparagraph (2);” and
 7 inserting “paragraph (2);”;

8 (3) in subsection (a)(5), by striking “this title;
 9 or” and inserting “this Act;” and

10 (4) by striking subsections (b) through (f) and
 11 inserting the following:

12 “(b) ADDITIONAL PROHIBITIONS AND ENFORCE-
 13 MENT.—For additional prohibitions relating to this Act
 14 and enforcement of this Act, see section 606 of the High
 15 Seas Driftnet Fishing Moratorium Protection Act (16
 16 U.S.C. 1826g).”.

17 **SEC. 105. AMENDMENTS TO THE WESTERN AND CENTRAL**
 18 **PACIFIC FISHERIES CONVENTION IMPLE-**
 19 **MENTATION ACT.**

20 The Western and Central Pacific Fisheries Conven-
 21 tion Implementation Act (title V of Public Law 109–479)
 22 is amended—

23 (1) by amending section 506(c) (16 U.S.C.
 24 6905(c)) to read as follows:

1 “(c) ADDITIONAL PROHIBITIONS AND ENFORCE-
 2 MENT.—For additional prohibitions relating to this Act
 3 and enforcement of this Act, see section 606 of the High
 4 Seas Driftnet Fishing Moratorium Protection Act (16
 5 U.S.C. 1826g).”; and

6 (2) in section 507(a)(2) (16 U.S.C. 6906(a)(2))
 7 by striking “suspension, on” and inserting “suspension, of”.

9 **SEC. 106. AMENDMENTS TO THE ANTARCTIC MARINE LIV-**
 10 **ING RESOURCES CONVENTION ACT.**

11 The Antarctic Marine Living Resources Convention
 12 Act of 1984 is amended—

13 (1) in section 306 (16 U.S.C. 2435)—

14 (A) in paragraph (3), by striking “which
 15 he knows, or reasonably should have known,
 16 was”;

17 (B) in paragraph (4), by inserting “, inves-
 18 tigation,” after “search”; and

19 (C) in paragraph (5), by inserting “, inves-
 20 tigation,” after “search”; and

21 (2) in section 307 (16 U.S.C. 2436)—

22 (A) by inserting “(a) IN GENERAL.—” be-
 23 fore the first sentence; and

24 (B) by adding at the end the following:

1 “(b) REGULATIONS TO IMPLEMENT CONSERVATION
2 MEASURES.—

3 “(1) IN GENERAL.—Notwithstanding sub-
4 sections (b), (c), and (d) of section 553 of title 5,
5 United States Code, the Secretary of Commerce may
6 publish in the Federal Register a final regulation to
7 implement any conservation measure for which the
8 Secretary of State notifies the Commission under
9 section 305(a)(1)—

10 “(A) that has been in effect for 12 months
11 or less;

12 “(B) that is adopted by the Commission;
13 and

14 “(C) with respect to which the Secretary of
15 State does not notify Commission in accordance
16 with section 305(a)(1) within the time period
17 allotted for objections under Article IX of the
18 Convention.

19 “(2) ENTERING INTO FORCE.—Upon publica-
20 tion of such regulation in the Federal Register, such
21 conservation measure shall enter into force with re-
22 spect to the United States.”.

1 **SEC. 107. AMENDMENTS TO THE ATLANTIC TUNAS CONVEN-**
2 **TION ACT.**

3 The Atlantic Tunas Convention Act of 1975 is
4 amended—

5 (1) in section 6(c)(2) (16 U.S.C.
6 971d(c)(2)(2))—

7 (A) by striking “(A)” and inserting “(i)”;

8 (B) by striking “(B)” and inserting “(ii)”;

9 (C) by inserting “(A)” after “(2)”;

10 (D) by adding at the end the following:

11 “(B) Notwithstanding the requirements of subpara-
12 graph (A) and subsections (b) and (c) of section 553 of
13 title 5, United States Code, the Secretary may issue final
14 regulations to implement Commission recommendations
15 referred to in paragraph (1) concerning trade restrictive
16 measures against nations or fishing entities.”;

17 (2) in section 7 (16 U.S.C. 971e) by striking
18 subsections (e) and (f) and redesignating subsection
19 (g) as subsection (e);

20 (3) in section 8 (16 U.S.C. 971f)—

21 (A) by striking subsections (a) and (c);

22 and

23 (B) by inserting before subsection (b) the
24 following:

25 “(a) For additional prohibitions relating to this Act
26 and enforcement of this Act, see section 606 of the High

1 Seas Driftnet Fishing Moratorium Protection Act (16
2 U.S.C. 1826g).”;

3 (4) in section 8(b) by striking “the enforcement
4 activities specified in section 8(a) of this Act” each
5 place it appears and inserting “enforcement activi-
6 ties with respect to this Act that are otherwise au-
7 thorized by law”; and

8 (5) by striking section 11 (16 U.S.C. 971j) and
9 redesignating sections 12 and 13 as sections 11 and
10 12, respectively.

11 **SEC. 108. AMENDMENTS TO THE HIGH SEAS FISHING COM-**
12 **PLIANCE ACT OF 1965.**

13 Section 104(f) of the High Seas Fishing Compliance
14 Act of 1995 (16 U.S.C. 5503(f)) is amended to read as
15 follows:

16 “(f) VALIDITY.—A permit issued under this section
17 for a vessel is void if—

18 “(1) any other permit or authorization required
19 for the vessel to fish is expired, revoked, or sus-
20 pended; or

21 “(2) the vessel is no longer documented under
22 the laws of the United States or eligible for such
23 documentation.”.

1 **SEC. 109. AMENDMENTS TO THE DOLPHIN PROTECTION**
2 **CONSUMER INFORMATION ACT.**

3 The Dolphin Protection Consumer Information Act
4 (16 U.S.C. 1385) is amended by amending subsection (e)
5 to read as follows:

6 “(e) **ADDITIONAL PROHIBITIONS AND ENFORCE-**
7 **MENT.**—For additional prohibitions relating to this Act
8 and enforcement of this Act, see section 606 of the High
9 Seas Driftnet Fishing Moratorium Protection Act (16
10 U.S.C. 1826g).”.

11 **SEC. 110. AMENDMENTS TO THE NORTHERN PACIFIC HAL-**
12 **IBUT ACT OF 1982.**

13 Section 7 of the Northern Pacific Halibut Act of
14 1982 (16 U.S.C. 773e) is amended—

15 (1) in subsection (a) by redesignating para-
16 graphs (1) through (6) as subparagraphs (A)
17 through (F);

18 (2) by redesignating subsections (a) and (b) as
19 paragraphs (1) and (2), respectively;

20 (3) in paragraph (1)(B), as so redesignated, by
21 inserting “, investigation,” before “or inspection”;

22 (4) in paragraph (1)(C), as so redesignated, by
23 inserting “, investigation,” before “or inspection”;

24 (5) in paragraph (1)(E), as so redesignated, by
25 striking “or” after the semicolon; and

1 (6) in paragraph (1)(F), as so redesignated, by
 2 striking “section.” and inserting “section; or”.

3 **SEC. 111. AMENDMENTS TO THE NORTHWEST ATLANTIC**
 4 **FISHERIES CONVENTION ACT OF 1995.**

5 Section 207 of the Northwest Atlantic Fisheries Con-
 6 vention Act of 1995 (16 U.S.C. 5606) is amended—

7 (1) in the section heading, by striking “**AND**
 8 **PENALTIES**” and inserting “**AND ENFORCE-**
 9 **MENT**”;

10 (2) in subsection (a)(2), by inserting “, inves-
 11 tigation,” before “or inspection”;

12 (3) in subsection (a)(3), by inserting “, inves-
 13 tigation,” before “or inspection”; and

14 (4) by striking subsections (b) through (f) and
 15 inserting the following:

16 “(b) **ADDITIONAL PROHIBITIONS AND ENFORCE-**
 17 **MENT.**—For additional prohibitions relating to this Act
 18 and enforcement of this Act, see section 606 of the High
 19 Seas Driftnet Fishing Moratorium Protection Act (16
 20 U.S.C. 1826g).”.

21 **SEC. 112. AMENDMENT TO THE MAGNUSON-STEVENSON FISH-**
 22 **ERY CONSERVATION AND MANAGEMENT ACT.**

23 Section 307(1)(Q) of the Magnuson-Stevens Fishery
 24 Conservation and Management Act (16 U.S.C.
 25 1857(1)(Q)) is amended by inserting before the semicolon

1 the following: “or any treaty or in contravention of any
2 binding conservation measure adopted by an international
3 agreement or organization to which the United States is
4 a party”.

5 **TITLE II—IMPLEMENTATION OF** 6 **THE ANTIGUA CONVENTION**

7 **SEC. 201. SHORT TITLE.**

8 This title may be cited as the “Antigua Convention
9 Implementing Act of 2015”.

10 **SEC. 202. AMENDMENT OF THE TUNA CONVENTIONS ACT** 11 **OF 1950.**

12 Except as otherwise expressly provided, whenever in
13 this title an amendment or repeal is expressed in terms
14 of an amendment to, or repeal of, a section or other provi-
15 sion, the reference shall be considered to be made to a
16 section or other provision of the Tuna Conventions Act
17 of 1950 (16 U.S.C. 951 et seq.).

18 **SEC. 203. DEFINITIONS.**

19 Section 2 (16 U.S.C. 951) is amended to read as fol-
20 lows:

21 **“SEC. 2. DEFINITIONS.**

22 “In this Act:

23 “(1) ANTIGUA CONVENTION.—The term ‘Anti-
24 gua Convention’ means the Convention for the
25 Strengthening of the Inter-American Tropical Tuna

1 Commission Established by the 1949 Convention
2 Between the United States of America and the Re-
3 public of Costa Rica, signed at Washington, Novem-
4 ber 14, 2003.

5 “(2) COMMISSION.—The term ‘Commission’
6 means the Inter-American Tropical Tuna Commis-
7 sion provided for by the Convention.

8 “(3) CONVENTION.—The term ‘Convention’
9 means—

10 “(A) the Convention for the Establishment
11 of an Inter-American Tropical Tuna Commis-
12 sion, signed at Washington, May 31, 1949, by
13 the United States of America and the Republic
14 of Costa Rica;

15 “(B) the Antigua Convention, upon its
16 entry into force for the United States, and any
17 amendments thereto that are in force for the
18 United States; or

19 “(C) both such Conventions, as the context
20 requires.

21 “(4) PERSON.—The term ‘person’ means an in-
22 dividual, partnership, corporation, or association
23 subject to the jurisdiction of the United States.

1 “(5) UNITED STATES.—The term ‘United
2 States’ includes all areas under the sovereignty of
3 the United States.

4 “(6) UNITED STATES COMMISSIONERS.—The
5 term ‘United States commissioners’ means the indi-
6 viduals appointed in accordance with section 3(a).”.

7 **SEC. 204. COMMISSIONERS; NUMBER, APPOINTMENT, AND**
8 **QUALIFICATIONS.**

9 Section 3 (16 U.S.C. 952) is amended to read as fol-
10 lows:

11 **“SEC. 3. COMMISSIONERS.**

12 “(a) COMMISSIONERS.—The United States shall be
13 represented on the Commission by 4 United States Com-
14 missioners. The President shall appoint individuals to
15 serve on the Commission. The United States Commis-
16 sioners shall be subject to supervision and removal by the
17 Secretary of State, in consultation with the Secretary. In
18 making the appointments, the President shall select
19 United States Commissioners from among individuals who
20 are knowledgeable or experienced concerning highly migra-
21 tory fish stocks in the eastern tropical Pacific Ocean, one
22 of whom shall be an officer or employee of the Department
23 of Commerce. Not more than 2 United States Commis-
24 sioners may be appointed who reside in a State other than

1 a State whose vessels maintain a substantial fishery in the
2 area of the Convention.

3 “(b) ALTERNATE COMMISSIONERS.—The Secretary
4 of State, in consultation with the Secretary, may designate
5 from time to time and for periods of time deemed appro-
6 priate Alternate United States Commissioners to the Com-
7 mission. Any Alternate United States Commissioner may
8 exercise, at any meeting of the Commission or of the Gen-
9 eral Advisory Committee or Scientific Advisory Sub-
10 committee established pursuant to section 4(b), all powers
11 and duties of a United States Commissioner in the ab-
12 sence of any United States Commissioner appointed pur-
13 suant to subsection (a) of this section for whatever reason.
14 The number of such Alternate United States Commis-
15 sioners that may be designated for any such meeting shall
16 be limited to the number of United States Commissioners
17 appointed pursuant to subsection (a) of this section who
18 will not be present at such meeting.

19 “(c) ADMINISTRATIVE MATTERS.—

20 “(1) EMPLOYMENT STATUS.—Individuals serv-
21 ing as United States Commissioners, other than offi-
22 cers or employees of the United States Government,
23 shall not be considered Federal employees except for
24 the purposes of injury compensation or tort claims
25 liability as provided in chapter 81 of title 5, United

1 States Code, and chapter 171 of title 28, United
2 States Code.

3 “(2) COMPENSATION.—The United States Com-
4 missioners or Alternate Commissioners, although of-
5 ficers of the United States while so serving, shall re-
6 ceive no compensation for their services as United
7 States Commissioners or Alternate Commissioners.

8 “(3) TRAVEL EXPENSES.—

9 “(A) The Secretary of State shall pay the
10 necessary travel expenses of United States
11 Commissioners and Alternate United States
12 Commissioners to meetings of the Inter-Amer-
13 ican Tropical Tuna Commission and other
14 meetings the Secretary of State deems nec-
15 essary to fulfill their duties, in accordance with
16 the Federal Travel Regulations and sections
17 5701, 5702, 5704 through 5708, and 5731 of
18 title 5, United States Code.

19 “(B) The Secretary may reimburse the
20 Secretary of State for amounts expended by the
21 Secretary of State under this subsection.”.

22 **SEC. 205. GENERAL ADVISORY COMMITTEE AND SCI-**
23 **ENTIFIC ADVISORY SUBCOMMITTEE.**

24 Section 4 (16 U.S.C. 953) is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) GENERAL ADVISORY COMMITTEE.—

4 “(1) APPOINTMENTS; PUBLIC PARTICIPATION;
5 COMPENSATION.—

6 “(A) The Secretary, in consultation with
7 the Secretary of State, shall appoint a General
8 Advisory Committee which shall consist of not
9 more than 25 individuals who shall be rep-
10 resentative of the various groups concerned
11 with the fisheries covered by the Convention, in-
12 cluding nongovernmental conservation organiza-
13 tions, providing to the maximum extent prac-
14 ticable an equitable balance among such groups.
15 Members of the General Advisory Committee
16 will be eligible to participate as members of the
17 United States delegation to the Commission
18 and its working groups to the extent the Com-
19 mission rules and space for delegations allow.

20 “(B) The chair of the Pacific Fishery
21 Management Council’s Advisory Subpanel for
22 Highly Migratory Fisheries and the chair of the
23 Western Pacific Fishery Management Council’s
24 Advisory Committee shall be ex-officio members

1 of the General Advisory Committee by virtue of
2 their positions in those Councils.

3 “(C) Each member of the General Advi-
4 sory Committee appointed under subparagraph
5 (A) shall serve for a term of 3 years and is eli-
6 gible for reappointment.

7 “(D) The General Advisory Committee
8 shall be invited to attend all non-executive
9 meetings of the United States delegation and at
10 such meetings shall be given opportunity to ex-
11 amine and to be heard on all proposed pro-
12 grams of investigation, reports, recommenda-
13 tions, and regulations of the Commission.

14 “(E) The General Advisory Committee
15 shall determine its organization, and prescribe
16 its practices and procedures for carrying out its
17 functions under this title, the Magnuson-Ste-
18 vens Fishery Conservation and Management
19 Act (16 U.S.C. 1801 et seq.), and the Conven-
20 tion. The General Advisory Committee shall
21 publish and make available to the public a
22 statement of its organization, practices and pro-
23 cedures. Meetings of the General Advisory Com-
24 mittee, except when in executive session, shall
25 be open to the public, and prior notice of meet-

1 ings shall be made public in timely fashion. The
2 General Advisory Committee shall not be sub-
3 ject to the Federal Advisory Committee Act (5
4 U.S.C. App.).

5 “(2) INFORMATION SHARING.—The Secretary
6 and the Secretary of State shall furnish the General
7 Advisory Committee with relevant information con-
8 cerning fisheries and international fishery agree-
9 ments.

10 “(3) ADMINISTRATIVE MATTERS.—

11 “(A) The Secretary shall provide to the
12 General Advisory Committee in a timely man-
13 ner such administrative and technical support
14 services as are necessary for its effective func-
15 tioning.

16 “(B) Individuals appointed to serve as a
17 member of the General Advisory Committee—

18 “(i) shall serve without pay, but while
19 away from their homes or regular places of
20 business to attend meetings of the General
21 Advisory Committee shall be allowed travel
22 expenses, including per diem in lieu of sub-
23 sistence, in the same manner as persons
24 employed intermittently in the Government

1 service are allowed expenses under section
 2 5703 of title 5, United States Code; and

3 “(ii) shall not be considered Federal
 4 employees except for the purposes of injury
 5 compensation or tort claims liability as
 6 provided in chapter 81 of title 5, United
 7 States Code, and chapter 171 of title 28,
 8 United States Code.”;

9 (2) by striking so much of subsection (b) as
 10 precedes paragraph (2) and inserting the following:

11 “(b) SCIENTIFIC ADVISORY SUBCOMMITTEE.—(1)
 12 The Secretary, in consultation with the Secretary of State,
 13 shall appoint a Scientific Advisory Subcommittee of not
 14 less than 5 nor more than 15 qualified scientists with bal-
 15 anced representation from the public and private sectors,
 16 including nongovernmental conservation organizations.”;
 17 and

18 (3) in subsection (b)(3), by striking “General
 19 Advisory Subcommittee” and inserting “General Ad-
 20 visory Committee”.

21 **SEC. 206. RULEMAKING.**

22 Section 6 (16 U.S.C. 955) is amended to read as fol-
 23 lows:

1 **“SEC. 6. RULEMAKING.**

2 “(a) REGULATIONS.—The Secretary, in consultation
3 with the Secretary of State and, with respect to enforce-
4 ment measures, the Secretary of the Department in which
5 the Coast Guard is operating, may promulgate such regu-
6 lations as may be necessary to carry out the United States
7 international obligations under the Convention and this
8 Act, including recommendations and decisions adopted by
9 the Commission. In cases where the Secretary has discre-
10 tion in the implementation of one or more measures adopt-
11 ed by the Commission that would govern fisheries under
12 the authority of a Regional Fishery Management Council,
13 the Secretary may, to the extent practicable within the im-
14 plementation schedule of the Convention and any rec-
15 ommendations and decisions adopted by the Commission,
16 promulgate such regulations as may be necessary to carry
17 out the United States international obligations under the
18 Convention and this Act, in accordance with the proce-
19 dures established by the Magnuson-Stevens Fishery Con-
20 servation and Management Act (16 U.S.C. 1801 et seq.).

21 “(b) JURISDICTION.—The Secretary may promulgate
22 regulations as may be necessary to carry out the United
23 States international obligations under the Convention and
24 this Act, applicable to all vessels and persons subject to
25 the jurisdiction of the United States, including United

1 States flag vessels wherever they may be operating, on
2 such date as the Secretary shall prescribe.”.

3 **SEC. 207. PROHIBITED ACTS.**

4 Section 8 (16 U.S.C. 957) is amended—

5 (1) by striking “section 6(c) of this Act” each
6 place it appears and inserting “section 6”; and

7 (2) by adding at the end the following:

8 “(i) **ADDITIONAL PROHIBITIONS AND ENFORCE-**
9 **MENT.**—For prohibitions relating to this Act and enforce-
10 ment of this Act, see section 606 of the High Seas
11 Driftnet Fishing Moratorium Protection Act (16 U.S.C.
12 1826g).”.

13 **SEC. 208. ENFORCEMENT.**

14 Section 10 (16 U.S.C. 959) is amended to read as
15 follows:

16 **“SEC. 10. ENFORCEMENT.**

17 “For enforcement of this Act, see section 606 of the
18 High Seas Driftnet Fishing Moratorium Protection Act
19 (16 U.S.C. 1826g).”.

20 **SEC. 209. REDUCTION OF BYCATCH.**

21 Section 15 (16 U.S.C. 962) is amended by striking
22 “vessel” and inserting “vessels”.

1 **SEC. 210. REPEAL OF EASTERN PACIFIC TUNA LICENSING**
2 **ACT OF 1984.**

3 The Eastern Pacific Tuna Licensing Act of 1984 (16
4 U.S.C. 972 et seq.) is repealed.

5 **TITLE III—AGREEMENT ON**
6 **PORT STATE MEASURES TO**
7 **PREVENT, DETER AND ELIMI-**
8 **NATE ILLEGAL, UNREPORTED**
9 **AND UNREGULATED FISHING**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “Port State Measures
12 Agreement Act of 2015”.

13 **SEC. 302. PURPOSE.**

14 The purpose of this title is to implement the Agree-
15 ment on Port State Measures to Prevent, Deter and
16 Eliminate Illegal, Unreported and Unregulated Fishing.

17 **SEC. 303. DEFINITIONS.**

18 As used in this title:

19 (1) The term “Agreement” means the Agree-
20 ment on Port State Measures to Prevent, Deter and
21 Eliminate Illegal, Unreported and Unregulated Fish-
22 ing, done at the Food and Agriculture Organization
23 of the United Nations, in Rome, Italy, November 22,
24 2009, and signed by the United States November
25 22, 2009.

1 (2) The term “IUU fishing” means any activity
2 set out in paragraph 3 of the 2001 FAO Inter-
3 national Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

5 (3) The term “listed IUU vessel” means a vessel
6 that is included in a list of vessels having engaged in IUU fishing or fishing-related activities in
7 support of IUU fishing that has been adopted by a
8 regional fisheries management organization of which
9 the United States is a member, or a list adopted by
10 a regional fisheries management organization of
11 which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to United
12 States criteria for identifying IUU vessels and activities.

17 (4) The term “Magnuson-Stevens Act” means
18 the Magnuson-Stevens Fishery Conservation and
19 Management Act (16 U.S.C. 1801 et seq.).

20 (5) The term “person” has the same meaning
21 as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

23 (6) The terms “RFMO” and “regional fisheries
24 management organization” mean a regional fisheries
25 management organization (as that term is defined

1 by the United Nation’s Food and Agriculture Orga-
2 nization Agreement on Port State Measures to Pre-
3 vent, Deter and Eliminate Illegal, Unreported and
4 Unregulated Fishing) of which the United States is
5 a member.

6 (7) The term “Secretary” means the Secretary
7 of Commerce or his or her designee.

8 (8) The term “vessel” means any vessel, ship of
9 another type, or boat used for, equipped to be used
10 for, or intended to be used for, fishing or fishing-re-
11 lated activities, including container vessels that are
12 carrying fish that have not been previously landed.

13 (9) The term “fish” means finfish, mollusks,
14 crustaceans, and all other forms of marine animal
15 and plant life other than marine mammals and
16 birds.

17 (10) The term “fishing”—

18 (A) except as provided in subparagraph

19 (B), means—

20 (i) the catching, taking, or harvesting
21 of fish;

22 (ii) the attempted catching, taking, or
23 harvesting of fish;

- 1 (iii) any other activity which can rea-
2 sonably be expected to result in the catch-
3 ing, taking, or harvesting of fish; or
4 (iv) any operations at sea in support
5 of, or in preparation for, any activity de-
6 scribed in clauses (i) through (iii); and
7 (B) does not include any scientific research
8 activity that is conducted by a scientific re-
9 search vessel.

10 **SEC. 304. DUTIES AND AUTHORITIES OF THE SECRETARY.**

11 (a) REGULATIONS.—The Secretary may, as needed,
12 promulgate such regulations, in accordance with section
13 553 of title 5, United States Code, and consistent with
14 the provisions of this title, as may be necessary to carry
15 out the purposes of this title to the extent that such regu-
16 lations are not already promulgated.

17 (b) PORTS OF ENTRY.—The Secretary, in consulta-
18 tion with the Secretary of Homeland Security and, when
19 the Coast Guard is not operating in the Department of
20 Homeland Security, the Secretary of the department in
21 which the Coast Guard is operating, may designate and
22 publicize the ports to which vessels may seek entry. No
23 port may be designated under this section that has not
24 also been designated as a port of entry for customs report-
25 ing purposes pursuant to section 1433 of title 19, United

1 States Code, or that is not specified under an existing
2 international fisheries agreement.

3 (c) NOTIFICATION.—The Secretary shall provide no-
4 tification of the denial of port entry or the use of port
5 services for a vessel under section 305, the withdrawal of
6 the denial of port services for a foreign vessel, the taking
7 of enforcement action pursuant to section 306 with respect
8 to a foreign vessel, or the results of any inspection of a
9 foreign vessel conducted pursuant to this title to the flag
10 nation of the vessel and, as appropriate, to the nation of
11 which the vessel's master is a national, relevant coastal
12 nations, RFMOs, the Food and Agriculture Organization
13 of the United Nations, and other relevant international or-
14 ganizations.

15 (d) CONFIRMATION THAT FISH WERE TAKEN IN AC-
16 CORDANCE WITH CONSERVATION AND MANAGEMENT
17 MEASURES.—The Secretary may request confirmation
18 from the flag state of a foreign vessel that the fish on
19 board a foreign vessel in a port subject to the jurisdiction
20 of the United States were taken in accordance with appli-
21 cable RFMO conservation and management measures.

22 **SEC. 305. AUTHORIZATION OR DENIAL OF PORT ENTRY.**

23 (a) SUBMISSION OF INFORMATION REQUIRED
24 UNDER AGREEMENT.—All foreign vessels seeking entry to
25 a port subject to the jurisdiction of the United States must

1 submit to the Secretary of the department in which the
2 Coast Guard is operating information as required under
3 the Agreement in advance of its arrival in port.

4 (b) DECISION TO AUTHORIZE OR DENY PORT
5 ENTRY.—The Secretary shall decide, based on the infor-
6 mation submitted under subsection (a), whether to author-
7 ize or deny port entry and shall communicate this decision
8 to the foreign vessel or to its representative. The Secretary
9 may deny entry to—

10 (1) any foreign-listed IUU vessel; or

11 (2) any foreign vessel the Secretary has reason-
12 able grounds to believe has engaged in IUU fishing
13 or fishing-related activities in support of such fishing
14 or has violated the Act.

15 (c) DENIAL OF USE OF PORT.—If a foreign vessel
16 is in a port subject to the jurisdiction of the United States,
17 the Secretary shall deny such vessel the use of the port
18 for landing, transshipment, packaging and processing of
19 fish, refueling, resupplying, maintenance and drydocking,
20 if—

21 (1) the vessel entered without authorization
22 under subsection (b);

23 (2) the vessel is a listed IUU vessel;

24 (3) the flag nation of the vessel has failed to
25 provide confirmation requested by the Secretary that

1 the fish on board were taken in accordance with ap-
2 plicable RFMO conservation and management meas-
3 ures; or

4 (4) the Secretary has reasonable grounds to be-
5 lieve—

6 (A) the vessel lacks valid authorizations to
7 engage in fishing or fishing-related activities as
8 required by its flag nation or the relevant coast-
9 al nation;

10 (B) the fish on board were taken in viola-
11 tion of foreign law or in contravention of any
12 RFMO conservation and management measure;
13 or

14 (C) the vessel has engaged in IUU fishing
15 or fishing-related activities in support of such
16 fishing, including in support of a listed IUU
17 vessel, unless it can establish that—

18 (i) it was acting in a manner con-
19 sistent with applicable RFMO conservation
20 and management measures; or

21 (ii) in the case of the provision of per-
22 sonnel, fuel, gear, and other supplies at
23 sea, the vessel provisioned was not, at the
24 time of provisioning, a listed IUU vessel.

1 (d) EXCEPTIONS.—Notwithstanding subsections (b)
2 and (c), the Secretary may allow port entry or the use
3 of port services—

4 (1) if they are essential to the safety or health
5 of the crew or safety of the vessel;

6 (2) to allow, where appropriate, for the scrap-
7 ping of the vessel; or

8 (3) pursuant to an inspection or other enforce-
9 ment action.

10 **SEC. 306. INSPECTIONS.**

11 The Secretary, and the Secretary of the department
12 in which the Coast Guard is operating, shall conduct for-
13 eign vessel inspections in ports subject to the jurisdiction
14 of the United States as necessary to achieve the purposes
15 of the Agreement and this title. If, following an inspection,
16 the Secretary has reasonable grounds to believe that a for-
17 eign vessel has engaged in IUU fishing or fishing-related
18 activities in support of such fishing, the Secretary may
19 take enforcement action under this title or other applicable
20 law, and shall deny the vessel the use of port services, in
21 accordance with section 305.

22 **SEC. 307. PROHIBITED ACTS.**

23 It is unlawful for any person subject to the jurisdic-
24 tion of the United States—

1 (1) to violate any provision of this title or the
2 regulations issued under this title;

3 (2) to refuse to permit any authorized officer to
4 board, search, or inspect a vessel that is subject to
5 the person's control in connection with the enforce-
6 ment of this title or the regulations issued under
7 this title;

8 (3) to submit false information pursuant to any
9 requirement under this title or the regulations issued
10 under this title; or

11 (4) to commit any offense enumerated in para-
12 graph (4), (5), (7), or (9) of section 707(a) of the
13 Western and Central Pacific Fisheries Convention
14 Implementation Act (16 U.S.C. 6906(a)).

15 **SEC. 308. ENFORCEMENT.**

16 (a) EXISTING AUTHORITIES AND RESPONSIBIL-
17 ITIES.—

18 (1) AUTHORITIES AND RESPONSIBILITIES.—

19 The authorities and responsibilities under sub-
20 sections (a), (b), and (c) of section 311 and sub-
21 section (f) of section 308 of the Magnuson-Stevens
22 Act (16 U.S.C. 1861, 1858) and paragraphs (2),
23 (3), and (7) of section 310(b) of the Antarctic Ma-
24 rine Living Resources Convention Act of 1984 (16

1 U.S.C. 2439(b)) shall apply with respect to enforce-
2 ment of this title.

3 (2) INCLUDED VESSELS.—For purposes of en-
4 forcing this title, any reference in such paragraphs
5 and subsections to a “vessel” or “fishing vessel” in-
6 cludes all vessels as defined in section 303(8) of this
7 title.

8 (3) APPLICATION OF OTHER PROVISIONS.—
9 Such paragraphs and subsections apply to violations
10 of this title and any regulations promulgated under
11 this title.

12 (b) CIVIL ENFORCEMENT.—

13 (1) CIVIL ADMINISTRATIVE PENALTIES.—

14 (A) IN GENERAL.—Any person who is
15 found by the Secretary (after notice and oppor-
16 tunity for a hearing in accordance with section
17 554 of title 5, United States Code) to have
18 committed an act prohibited under section 307
19 shall be liable to the United States for a civil
20 penalty. The amount of the civil penalty shall
21 be consistent with the amount under section
22 308(a) of the Magnuson-Stevens Act (16 U.S.C.
23 1858(a)).

24 (B) COMPROMISE OR OTHER ACTION BY
25 SECRETARY.—The Secretary shall have the

1 same authority as provided in section 308(e) of
2 the Magnuson-Stevens Act (16 U.S.C. 1858(e))
3 with respect to a violation of this Act.

4 (2) IN REM JURISDICTION.—For purposes of
5 this title, the conditions for in rem liability shall be
6 consistent with section 308(d) of the Magnuson-Stevens Act (16 U.S.C. 1858(d)).

8 (3) ACTION UPON FAILURE TO PAY ASSESS-
9 MENT.—If any person fails to pay an assessment of
10 a civil penalty under this title after it has become a
11 final and unappealable order, or after the appropriate court has entered final judgment in favor of
12 the Secretary, the Secretary shall refer the matter to
13 the Attorney General, who shall recover the amount
14 assessed in any appropriate district court of the
15 United States. In such action, the validity and appropriateness of the final order imposing the civil
16 penalty shall not be subject to review.

18 (c) FORFEITURE.—
19

20 (1) IN GENERAL.—Any foreign vessel (including
21 its fishing gear, furniture, appurtenances, stores,
22 and cargo) used, and any fish (or the fair market
23 value thereof) imported or possessed in connection
24 with or as result of the commission of any act prohibited by section 307 of this title shall be subject
25

1 to forfeiture under section 310 of the Magnuson-Stevens Act (16 U.S.C. 1860).

3 (2) APPLICATION OF THE CUSTOMS LAWS.—All
4 provisions of law relating to seizure, summary judgment, and judicial forfeiture and condemnation for
5 violation of the customs laws, the disposition of the
6 property forfeited or condemned or the proceeds
7 from the sale thereof, the remission or mitigation of
8 such forfeitures, and the compromise of claims shall
9 apply to seizures and forfeitures incurred, or alleged
10 to have been incurred, under the provisions of this
11 title, insofar as applicable and not inconsistent with
12 the provisions hereof. For seizures and forfeitures of
13 property under this section by the Secretary, such
14 duties as are imposed upon the customs officer or
15 any other person with respect to the seizure and forfeiture of property under the customs law may be
16 performed by such officers as are designated by the
17 Secretary or, upon request of the Secretary, by any
18 other agency that has authority to manage and dispose of seized property.

22 (3) PRESUMPTION.—For the purposes of this
23 section there is a rebuttable presumption that all
24 fish, or components thereof, found on board a vessel
25 that is used or seized in connection with a violation

1 of this title (including any regulation promulgated
2 under this Act) were taken, obtained, or retained as
3 a result of IUU fishing or fishing-related activities
4 in support of IUU fishing.

5 (d) CRIMINAL ENFORCEMENT.—Any person (other
6 than a foreign government agency, or entity wholly owned
7 by a foreign government) who knowingly commits an act
8 prohibited by section 307 of this title shall be subject to
9 subsections (b) and (c) of section 309 of the Magnuson-
10 Stevens Act (16 U.S.C. 1859).

11 (e) PAYMENT OF STORAGE, CARE, AND OTHER
12 COSTS.—Any person assessed a civil penalty for, or con-
13 victed of, any violation of this title (including any regula-
14 tion promulgated under this title) and any claimant in a
15 forfeiture action brought for such a violation, shall be lia-
16 ble for the reasonable costs incurred by the Secretary in
17 storage, care, and maintenance of any property seized in
18 connection with the violation.

19 **SEC. 309. INTERNATIONAL COOPERATION AND ASSIST-**
20 **ANCE.**

21 (a) ASSISTANCE TO DEVELOPING NATIONS AND
22 INTERNATIONAL ORGANIZATIONS.—Consistent with exist-
23 ing authority and the availability of funds, the Secretary
24 shall provide appropriate assistance to developing nations
25 and international organizations of which such nations are

1 members to assist those nations in meeting their obliga-
2 tions under the Agreement.

3 (b) PERSONNEL, SERVICES, EQUIPMENT, AND FA-
4 CILITIES.—In carrying out subsection (a), the Secretary
5 may, by agreement, on a reimbursable or nonreimbursable
6 basis, utilize the personnel, services, equipment, and facili-
7 ties of any Federal, State, local, or foreign government
8 or any entity of any such government.

9 **SEC. 310. RELATIONSHIP TO OTHER LAWS.**

10 (a) IN GENERAL.—Nothing in this title shall be con-
11 strued to displace any requirements imposed by the cus-
12 toms laws of the United States or any other laws or regu-
13 lations enforced or administered by the Secretary of
14 Homeland Security. Where more stringent requirements
15 regarding port entry or access to port services exist under
16 other Federal law, those more stringent requirements shall
17 apply. Nothing in this title shall affect a vessel's entry into
18 port, in accordance with international law, for reasons of
19 force majeure or distress.

20 (b) UNITED STATES OBLIGATIONS UNDER INTER-
21 NATIONAL LAW.—This title shall be interpreted and ap-
22 plied in accordance with United States obligations under
23 international law.

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